

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHRISTOPHER ANTHONY MORRESI,

Plaintiff,

vs.

DOUGLAS COUNTY
CORRECTIONAL CENTER,

Defendant.

8:21CV357

**MEMORANDUM
AND ORDER**

After Plaintiff failed to file an amended complaint within the time specified by the court, the court dismissed this case without prejudice for failure to prosecute this matter diligently and for failure to comply with this court's orders and entered Judgment accordingly. (Filings 21 & 22.) Although Plaintiff was warned in Filing 8 that the Prison Litigation Reform Act "makes prisoners responsible for their filing fees the moment the prisoner brings a civil action or files an appeal," the Judgment dismissing this case erroneously omitted the following language:

Plaintiff is hereby notified that the filing of a notice of appeal will make Plaintiff liable for payment of the full \$505.00 appellate filing fee regardless of the outcome of the appeal. This is because the Prison Litigation Reform Act requires an incarcerated civil appellant to pay the full amount of the \$505.00 appellate filing fee by making monthly payments to the court, even if he or she is proceeding in forma pauperis. 28 U.S.C. § 1915(b). By filing a notice of appeal, Plaintiff will be consenting to the deduction of the \$505.00 filing fee from Plaintiff's prison account by prison officials.

Therefore, and pursuant to Fed. R. Civ. P. 60(a) (court may correct mistake in judgment on its own without notice), an Amended Judgment containing the above

language will be entered, after which Plaintiff will have 14 days to withdraw her¹ Notice of Appeal (Filing 23) if she wishes to do so.² Accordingly,

IT IS ORDERED:

1. An Amended Judgment shall be entered, after which Plaintiff will have 14 days to withdraw her Notice of Appeal (Filing 23) if she wishes to do so.

2. If Plaintiff fails to withdraw her Notice of Appeal, her appeal will be processed in due course.

3. The Clerk of Court shall set a pro se case management deadline as follows: April 14, 2022—Plaintiff’s deadline to withdraw appeal.

DATED this 31st day of March, 2022.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge

¹ See Filing 20 (Plaintiff’s advisement to court that she wishes to be characterized as “she/her/Ms.” in future “legal dialog”).

² See Fed. R. App. P. 42(a) (“Before an appeal has been docketed by the circuit clerk, the district court may dismiss the appeal on the filing of a stipulation signed by all parties or on the appellant’s motion with notice to all parties.”).